

REMARKS

The Office Action mailed May 16, 2006 and the references cited therein have been carefully considered. Applicant has amended claims 1, 13 and 19, and the application still contains claims 1-11, 13-17 and 19. Applicant petitions for two month extension of time under 37 CFR 1.136. The fee for such extension is enclosed.

In the aforesaid Office Action, the Examiner rejected claims 1-11, 13-17 and 19 under 35 U.S.C. §103(a) as being unpatentable over Caputi (U.S. Patent No. 5,980,260) in view of Numoto (U.S. Patent No. 5,380,233) and Ogawa (U.S. Patent No. 4,186,515).

The patents to Caputi, Numoto and Ogawa cited by the Examiner fail to teach or suggest the unique features of the present invention, either alone or in combination. Specifically, these references, either taken alone or combined, do not teach or suggest the concept of a manipulative toy having a plurality of appendages that may be interchangeably attached at various positions on the main body of the toy to create fantastical animals, wherein the means for attachment comprises a plurality of planar surfaces recessed below the surface of said body and bounded on the upper portion by an arcuate ridge, corresponding planar surfaces on the head, tail, legs or wings of the animal, and means disposed on both said body and said appendages for removably attaching the appendages to the body such that the ridge serves to conceal the attachment of the appendages to the body and to limit the motion of said appendages.

The patent to Caputi was cited to show a toy animal having interchangeably attachable appendages. However, as the Examiner concedes, Caputi does not teach the planar surfaces, the arcuate shoulder ridges, means for limiting the rotational and linear movement of the appendage relative to the body comprising ribbed elements – one set comprised of beveled raised elements and the other set comprised of beveled recessed elements that engage each other, magnetic elements disposed within the planar surfaces of the body and appendages, and the size of the ribs and planar surfaces.

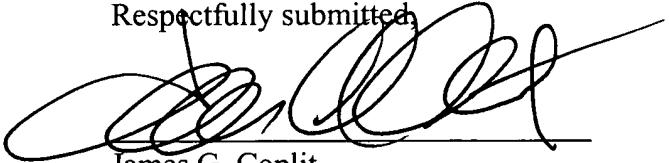
The Examiner cites the patent to Ogawa to show a toy animal comprising a body having an arcuate shoulder ridge extending partially around the planar surfaces of the body exposing a portion of the planar surfaces having sufficient width to allow the appendages to be slid therein. First and foremost, it is entirely unclear from the figures and from the specification how the fore legs 14 are attached to the housing member shells 40 and 42 apart from the statement that “the support appendages such as the legs 12 and 14 ... can be pres-fitted into appropriate bores to provide operative support means” (Ogawa, col. 4, ll. 37-39). Furthermore, it is entirely unclear that the point of attachment is even planar – clearly from the Fig. 4 the point of attachment of the hind legs appears curved. It is reasonable to assume that the point attachment is similar for the fore legs. Such curving is possible because of the snap fitting of the appendages provided for in Ogawa, which attachment is what provides support to the appendages and allows them to be rotated, not, as provided in the instant application, the various planar surfaces and beveled magnetic surfaces having ribs disposed thereon.

The Examiner cites Numoto to show the attachment means for attaching appendages to a figure comprising an arcuate ridge and that limit the rotational and linear movement of the appendage relative to the body comprised of a pair of ribbed elements wherein one set of ribbed elements comprises beveled raised elements and one set comprises beveled recessed elements that engage each other, and further including magnetic elements disposed within the planar surface of the body. However, the element cited by the Examiner as being an arcuate ridge, namely element 52, is not a ridge but rather a “conical outer bore” (Numoto, col. 3, l. 36). This element does not serve the same function as the arcuate ridge of the instant invention, which ridge is substantially perpendicular to the planar surface as defined in the amended claims. The conical bore cannot and does not limit the linear movement of the appendage, as the appendage could easily slide up the slope of the bore. Furthermore, the conical bore does not limit the rotational movement of the appendage.

Applicant submits that amended claim 1 patentably distinguishes over the references cited by the Examiner taken alone or in combination. None of these references teach or suggest the unique combination as taught by the claims, as amended. Independent claims 15 and 19 have similarly been amended so as to include the same limitations provided in claim 1 (amended) and therefore patentably distinguish over the references cited by the Examiner. Applicant further submits that the dependent claims patentably distinguish over the references of record for the same reason as claims 1, 15 and 19 (amended), and are therefore also in condition for immediate allowance.

In light of the amendments, applicant respectfully submits that this application is now in condition for allowance, and an early Notice of Allowance is hereby respectfully requested.

Respectfully submitted,



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